



22 JUL 2005

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In re Application of: NIKOLIC, Ljubomir :

U.S. Application No.: 10/524,436 :

PCT No.: PCT/IB02/03439 :

International Filing Date: 27 August 2002 :

Priority Date: None :

Attorney's Docket No.: None :

For: UNIVERSAL STAND FOR VEHICLE ENGINES :  
AND GEARBOXES :

DECISION

This decision is issued in response to applicant's 18 July 2005 facsimile submission seeking to withdraw the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 06 June 2005. The submission is treated herein as a petition under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

On 27 August 2002, applicant filed international application PCT/IB02/03439. The international application designated the United States and did not claim an earlier priority date. On 11 March 2004, a copy of the international application was communicated to the United States Patent And Trademark Office (USPTO) by the International Bureau (IB). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 27 February 2005.

On 14 February 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee.

In 06 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 18 July 2005, applicant filed the submission considered herein. The submission asserts that the international application was filed with an acceptable declaration under PCT Rule 4.17(iv) and that the declaration requirement has already been satisfied with respect to the present application.

**DISCUSSION**

The original Request (Form PCT/RO/101) filed herein on 27 August 2002 was executed by the sole applicant/inventor and included a declaration of inventorship under PCT Rule 4.17(iv). The declaration of inventorship was not signed by the applicant. However, as set forth on the declaration form itself and in the instructions thereto, applicant's signature on the concurrently filed Request is sufficient for the declaration to be considered executed. Pursuant to 37 CFR 1.497(a), applicant's submission of a timely declaration under PCT Rule 4.17(iv) during the international phase satisfies the oath or declaration requirement for entry into the national stage in the United States.

Based on the above, the Notification Of Missing Requirements mailed 06 June 2005, based as it was on applicant's purported failure to satisfy the oath or declaration requirement, is appropriately vacated.

**CONCLUSION**

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The declaration under PCT Rule 4.17(iv) filed by applicant with the Request during the international phase satisfies the oath or declaration requirement for entry into the national stage.

The Notification Of Missing Requirements mailed 06 June 2005 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 February 2005.



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